

PATENT  
454313-2340.2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Ellis et al.  
 U.S. Serial No. : 09/680,228  
 For : PREVENTION OF MYOCARDITIS, ABORTION  
       AND INTRAUTERINE INFECTION  
       ASSOCIATED WITH PORCINE CIRCOVIRUS-2  
 Filing Date : October 6, 2000  
 Examiner : Shannon A. Foley  
 Art Unit : 1648

745 Fifth Avenue  
 New York, NY 10151

**FACSIMILE**

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Thomas J. Kowalski, Reg. No. 32,147

Type or print name of  
 person signing certification

Signature

September 3, 2003

Date of Signature

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 (See next pg.)

**TERMINAL DISCLAIMER**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is in further response to the March 11, 2003 Office Action, with an Amendment and Response to Office Action filed herewith.

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial, The Queen's University of Belfast and the University of Saskatchewan, the assignees of the above-captioned application ("the present application") and U.S. Patent Nos. 6,391,314, 6,368,601, 6,497,883, and 6,217,883;

That Merial has a place of business at 17 rue Bourgelat 69002, Lyon, France; that the Queen's University of Belfast is located at University Road, Belfast BT7 1NN, Northern Ireland; that the University of Saskatchewan is located in Saskatoon, Saskatchewan, Canada, S7N 5C8;

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such period that the legal title to said patent shall be the same as the legal title to the '314 patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of U.S. Patent Nos. 6,391,314, 6,368,601, 6,497,883, or 6,217,883, in the event that any of said patents expire earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignees, states that Merial, The Queen's University of Belfast and the University of Saskatchewan are the assignees of the entire right, title and interest in the patents and patent application identified above (U.S. Patent Nos. 6,391,314, 6,368,601, 6,497,883, 6,217,883 and the present application) by virtue of the assignments identified above.

And thus, that the undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignees identified above.

Reconsideration and withdrawal of the double patenting rejection are respectfully requested and consideration, entry and recordation of this Terminal Disclaimer are also earnestly solicited, with any fee therefor or any overpayment in such fees, to be charged or credited to Deposit Account No. 50-0320.

It is also noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

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